PATENT

Attorney Docket No.: MEDIV2010-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Kornowski et al.

Art Unit:

1636

Application No.: 09/868,411

Examiner:

R. Akhavan

Filed:

June 14, 2001

Confirmation No.: 9283

Title:

INTRAMYOCARDIAL INJECTION OF AUTOLOGOUS BONE MARROW

MAIL STOP AMENDMENT Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith for the above-identified application please find:

- Response to the Office Action mailed March 24, 2004 (14 pgs.); 1.
- 2. Attachment 1 (6 pgs.);
- Attachment 2 (4 pgs.); 3.
- 4. Attachment 3 (7 pgs.);
- Attachment 4 (2 pgs.); 5.
- 6. Attachment 5 (20 pgs.);
- Attachment 6 (23 pgs.); 7.
- 8. Attachment 7 (8 pgs.); and
- Return Receipt Postcard. 9.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on this date, June 24, 2004, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gregory P. Austin

(Name of Person Mailing Paper)

June 24, 2004

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In re Application of: Kornowski et al.

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Applicants claim **SMALL ENTITY** status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status in not required.

The Fee for this Response is calculated as follows:

For	Claims Remaining After Amendment		Extra Claims	Small Entity Rate	Large Entity Rate	Calculations
Total Claims	22	102	0	x \$09	x \$18	\$0
Independent Claims	3	6	0	x \$43	x \$86	\$0
Multiple Dependent Claim(s)	N/A			\$145	\$290	\$0
					TOTAL FEE	\$0

No fee is deemed necessary in connection with the filing of this communication.

However, if a fee is required, the Commissioner is hereby authorized to charge any required fee associated with this communication, or credit any overpayments, to Deposit Account No. 50-1355. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Date: June 24, 2004

June M Learn, J.D., Ph.D.
Registration No. 31,238

Telephone: (858) 677-1416 Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP 4365 Executive Drive, Suite 1100 San Diego, CA 92121-2133 USPTO CUSTOMER NO. 28213

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RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action mailed March 24, 2004, please consider the following amendments and remarks.

Amendments to the Claims are reflected in the listing of claims, which begins on page two of this paper.

Remarks/Arguments begin on page six of this paper.

CERTIFICATION UNDER 37 CFR §1.8

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Gregory P. Austin

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